

REMARKS

Responsive to the Office Action of May 04, 2004, to which response is now due by September 07, 2004, Applicant submits the foregoing Amendments to the specification and claims.

More specifically, responsive to the Office Action, paragraph 1, Applicant submits a replacement Abstract to conform with the 150 word/one paragraph limitation. This Abstract is to enable the US Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure (37 CFR 1.72). This replacement Abstract does not include any addition of new matter.

Responsive to the Office Action, paragraph 2, Applicant has renumbered Claims 10-13 to eliminate the redundant Claim numbering for Claim 9. Although Claim 9 and Claim 10 (currently amended) are identical in wording, they are different in scope. Claim 9 is dependant on Claims 8, 5 and 1, whereas Claim 10 (currently amended) is only dependant on Claim 1.

The Office Action, paragraphs 3-7, rejects all of the claims under 35 USC 102 (b) and 103(a) citing the following references:

US Patent No. 5,899,099 to Tsai;

US Patent No. 4,428,211 to Hermann;

US Patent No. 254,284 to Dean;

US Patent No. 457,959 to Pursell.

Applicant has amended all of the claims to more clearly distinguish the claimed invention from the cited references. Applicant asserts that none of the references, either alone or in combination with each other teach or suggest the presently claimed invention.

More specifically, Applicant has amended the broadest Claims 1, 2 and 3 and those dependant thereon, to clearly indicate that there is only one known indicium among the *at least one indicium circumferentially disposed about one of the sleeve or the near end of the plunger*. For clarity, *indicium* is the singular of *indicia*, which means ... *signs; characteristic marks; indications; tokens* (Webster's New tionary, College Edition, 1959). Additionally, the claims have been amended to indicate that the retaining lip within the sleeve is *fixedly mounted*, i.e., it does not rotate. None of the cited references, taken either alone or in combination with each other, teach or suggest such amended claims.

The device as stated by Tsai is “ a combination lock (that)....has a number disc for setting a code of several digits for locking and unlocking is a lock that requires multiple rotatable number

combination....” (Col. 1, lines 4-8).

The claimed invention is not a *combination lock*, does not use *several digits for locking and unlocking*, and does not have a *multiple rotatable number combination*. Applicant’s invention has only one known indicium – not multiple – that is axially aligned with the key or keyway. To open the lock one merely *aligns the one known indicium with the key or keyway and removes the plunger*. Only a single “digit” is required to be known — one known indicium.

Still further, in Applicant’s claimed invention, *the sleeve and plunger are rotated with respect to each other* to lock and unlock the device. In Tsai, the plunger 7 does not rotate with respect to sleeve 6, it is number ring 2 that rotates.

Still further, in Tsai the plunger 7 has teeth 72 that are locked in place by rotating the “activate rings” to prevent the plunger 7 from being removed. In Applicant’s claimed invention there are no rotating “rings” to prevent the plunger from being removed. There is only a lip that is fixedly mounted within the cylinder that prevents the plunger from being removed. Thus, Tsai does not teach or suggest Applicant’s claimed invention.

None of the other references provide any teachings, whether taken alone or in combination with Tsai or such other references, to render Applicant’s claimed invention obvious.

Hermann is cited in combination with Tsai as rendering Claim 7 obvious. Claim 7 is directed to a removable cap on the device of Claim 1. The removable cap 126 in Hermann is not provided on a device that is in any manner similar to the device of Claim 1. The device of Hermann, as impliedly acknowledged by the Office Action, has a different structure and function than that of Applicant’s Claim 1 (or 2 or 3). In particular, the Hermann lock 1 is a key-operated lock wherein: *...a tumbler equipped with a lock cylinder 14 containing a lock plug 14A. For the lock cylinder 14, it is contemplated that a conventional screw lock such as the "Chicago Ace" lock series No. CH-4107 of the Chicago Lock Company be used. Such locks have seven pin tumblers and receive tubular type keys, and in the present environment, would require some 50 or more separate picking operations to unthread the rod 15 from the threaded portion 10 of sleeve member 3.* (Col. 4, lines 46-55). Among numerous other distinctions, Applicant’s device is not key operated.

Both Dean and Pursell were cited in combination with Tsai as rendering Claims 2 and 12 obvious. Claims 2 and 12 include as a limitation indicia on the plunger. The indicia shown in Dean and Pursell are not provided on devices similar to that of Claim 2. Both of these devices are combination locks requiring the turning of multiple cylinders to open. Applicant’s device, as noted

previously, is not such a device.

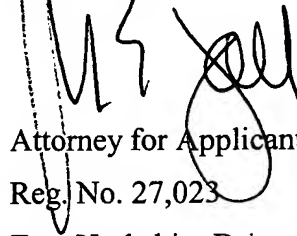
For all of the foregoing reasons, Applicant respectfully asserts that all of the claims now presented are allowable and requests that this application pass to allowance.

Dated:

09/04/04

Respectfully Submitted,

Michael E. Zall

A handwritten signature in black ink, appearing to read 'M. E. Zall', written over the printed name and registration number.

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